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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

LAURA A. GADDY, individually and
on behalf of all others similarly
situated,

Plaintiffs,

v.

CORPORATION OF THE
PRESIDENT OF THE CHURCH OF
JESUS CHRIST OF LATTER-DAY
SAINTS, a Utah corporation sole,

Defendant.

**RESPONSE TO PLAINTIFF'S
“EX PARTE MOTION /
REQUEST FOR ORAL
ARGUMENT ON MOTION TO
DISMISS AMENDED
COMPLAINT”**

Case No. 2:19-cv-00554-RJS

The Honorable Robert J. Shelby
The Honorable Dustin B. Pead

Defendant Corporation of the President of The Church of Jesus Christ of
Latter-day Saints (the “Church”) submits this Response to Plaintiff's “Ex Parte¹

¹ Although styled as “ex parte,” the Motion was electronically filed, and the Church received a Notice of Electronic Filing though the Court's electronic filing system.

Motion / Request for Oral Argument to Dismiss Amended Complaint” (the “Motion”). (Docket 53).

Ms. Gaddy’s Motion does not merely request oral argument.² Instead, it contains several pages of argument about the Church’s Motion to Dismiss Amended Complaint. Motion at 2-4. It also contains several requests that the Court take “judicial notice” regarding arguments raised in the briefing for the Motion to Dismiss Amended Complaint. This is an inappropriate attempt to circumvent the Court’s local rule that, after a reply memorandum is filed, “[n]o additional memoranda will be considered without leave of court.” DUCivR 7-1(b). Needless to say, the Church disagrees with Ms. Gaddy’s briefing and her characterizations of the Church’s arguments.³

The Church also disagrees that another oral argument in this matter is necessary or would materially assist the Court in ruling on the pending Motion to Dismiss Amended Complaint. The issues presented in the Motion to Dismiss Amended Complaint have been extensively briefed by the parties, are substantially

² Ms. Gaddy already requested oral argument in her “Opposition to Motion to Dismiss Amended Complaint.” (Docket 47). Having done so, it is unclear why she filed the instant Motion, other than to seek to introduce additional arguments.

³ If the Court is inclined to consider the arguments raised by Ms. Gaddy in this Motion, the Church will provide a written response upon request.

similar to the issues previously briefed in the original Motion to Dismiss, were the subject of the prior oral argument, and are the subject of the Court's Memorandum Decision and Order Granting Defendant's Motion to Dismiss.

DATED: September 8, 2020.

STOEL RIVES LLP

/s/ David J. Jordan

David J. Jordan

Wesley F. Harward

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